

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rigoberto GOMEZ-Romo,

Defendant(s)

) Magistrate Case No.
)
) **'08 MJ 1693** *ENH*
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
) Bringing in Illegal Aliens Without
) Presentation
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **May 27, 2008**, within the Southern District of California, defendant **Rigoberto GOMEZ-Romo**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Guadalupe DUARTE-Ramirez**, **Sergio FRUTIS**, **Rafael FELIX-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF MAY 2008



Jan M. Adler

UNITED STATES MAGISTRATE JUDGE

Cwe

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Jose Guadalupe DUARTE-Ramirez, Sergio FRUTIS, and Rafael FELIX-Garcia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 27, 2008, Border Patrol Agents J. Norris, D. Taban, P. Gabaldon, J. Flores, and J. Nations were performing assigned duties in Jacumba, California. Jacumba is located twenty-five miles east of the Tecate, California Port of Entry and immediately north of the United States/Mexico International Border. Agents Norris, Taban, and Nations were in full uniform.

At approximately 1:03 p.m., Agent Norris and Agent Taban, utilizing binoculars, observed approximately 14 individuals walking northbound from power tower 187, towards Old Highway 80 and mile marker 32.5. Agent Norris observed two individuals leading the group; one individual was wearing a tan shirt and the other wearing a black and white shirt. Agent Norris directed Agent Nations, Flores, and other agents, to a point along Old Highway 80 in the direction where the group appeared to be heading. The 14 individuals continued eastbound along the east side of power tower 187, towards the area where Agents Nations, Flores, and other agents were waiting. Agent Norris advised all agents as the group approached within 200 yards of Old Highway 80. Before Agent Nations could approach the group, Agent Norris observed two individuals running away from the group. Agents Nations, Flores, and other agents on the ground approached the group, identified themselves as United States Border Patrol Agents and questioned them as to their citizenship. All individuals claimed they were citizens and nationals of Mexico, with no proper documentation to come or remain in the United States.

Agent Norris observed the two individuals, one in a tan shirt the other in a black and white shirt, the two that were leading the group, separate from the group and run northwest approximately 250 yards across Old Highway 80 attempting to hide in the brush line. Agent Taban observed two individuals matching the same description, as put out by Agent Norris, crossing Old Highway 80 then hiding in some bushes. Agent Taban directed Agent Gabaldon to the area where he had seen the individuals attempt to conceal themselves. Agent Gabaldon apprehended both individuals, one of whom matched the black and white shirt as observed by Agent Norris and later identified as the defendant **Rigoberto GOMEZ-Romo**.

Agents Nations and Gabaldon questioned the remaining two subjects as to their citizenship. Both subjects, including the defendant, admitted to being citizens and nationals of Mexico and to illegally entering the United States to avoid inspection by crossing the US/Mexico International Border in an area other than a designated port of entry. The subjects admitted that they did not have proper immigration documents to enter or remain in the United States legally. At 1:45 p.m., Agents Nations and Gabaldon arrested all 14 subjects and transported them to the Boulevard Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:**Rigoberto GOMEZ-Romo****MATERIAL WITNESS STATEMENTS:**

Material witnesses **Jose Guadalupe DUARTE-Ramirez, Sergio FRUTIS, Rafael FELIX-Garcia** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay a fee to be smuggled into the United States. The above named material witnesses also were shown a photographic line up and were able to identify defendant **Rigoberto GOMEZ-Romo** as their foot guide.